

**40.80. TEMPORARY USE****40.80.05. Purpose.**

The purpose of a Temporary Use application is to recognize that temporary uses serve a useful purpose in the life of the community. Such activity does not mandate application of the requirements relating to permanent activity, but there is the potential of adverse impact on surrounding property created by temporary activity; therefore, specific requirements are necessary. This Section is carried out by the approval criteria listed herein.

**40.80.10. Applicability**

Uses and activities that are determined to be temporary in nature shall be subject to the provisions of this section.

**40.80.15. Application.**

There are five (5) Temporary Use applications which are as follows: Temporary Mobile Sales, Temporary Non-Mobile Sales, Temporary Structure, Temporary Real Estate Office, and Non-Profit Event.

**1. Temporary Mobile Sales.**

- A. Threshold. An application for Temporary Mobile Sales shall be required when the following threshold applies:
  - 1. The sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for more than one (1) hour per day.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Mobile Sales. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Mobile Sales application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
  - 1. The proposal satisfies the threshold requirements for a Temporary Mobile Sales application.

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2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The proposal is located entirely within private property in a commercial, multiple use, or industrial zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.
5. The applicant has written permission from the City if the proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts.
6. The proposal will not pose a threat to the public safety or convenience when the temporary use is proposed to be located on a public right-of-way.
7. The use in which the proposed temporary use is engaged is listed as a permitted use in the specific commercial or multiple use zoning district.
8. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.50.
9. The proposal does not involve use of a permanent building.
10. The proposal shall not obstruct or occupy permanent required parking spaces unless it can be demonstrated that the permanent required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3 (Excess Parking) of this Code.

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11. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.
12. The proposal is not located within 500 feet of an established permanent business of a similar nature. The 500 feet shall be measured from the perimeter of the property on which the proposal is located to the perimeter of the property which contains the existing similar use.
13. The proposal has not been previously located on the same site in the same calendar year.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Temporary Mobile Sales shall be made by the owner of the proposed temporary use, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Mobile Sales application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Mobile Sales application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The Temporary Mobile Sales shall obtain a City Business License.
2. Temporary Mobile Sales involving the sale of food products shall be licensed by the appropriate State and/or local agency.
3. All Temporary Mobile Sales activities shall be conducted at the particular location authorized.

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4. The Temporary Mobile Sales shall not have hours of operation exceeding four (4) hours in a twenty four (24) hour period.
  5. Signage shall be permitted for Temporary Mobile Sales consistent with Section 60.40.15.12 of this Code.
  6. During operation, the operator of a Temporary Mobile Sales shall maintain a copy of the City approval and present same for inspection upon request by City personnel.
  7. Suitable receptacles for disposal of trash, as defined by the City of Beaverton Code 4.08.085, subsection C, must be provided and maintained by the permittee on the site of the temporary use in sufficient numbers, as determined by the Director, to accommodate all trash generated by the Temporary Mobile Sales. The permittee shall be responsible for disposal of accumulated trash and for clean-up of trash generated by the Temporary Mobile Sales.
  8. Products for sale shall be removed at the end of each business day.
  9. The Director may impose conditions necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
  10. The Director may impose conditions necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Mobile Sales on the surrounding property and use.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 180 days of the date of approval.
- H. Extension of a Decision. Previous approvals of Temporary Mobile Sales shall not be extended.

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**2. Temporary Non-Mobile Sales.**

- A. Threshold. An application for Temporary Non-Mobile Sales shall be required when the following threshold applies:
1. The sales of holiday vegetation and fireworks, circuses, carnivals, animal rides and other similar activities.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Non-Mobile Sales. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Non-Mobile Sales application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Temporary Non-Mobile Sales application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The proposal is located entirely within private property in a commercial, multiple use, or industrial zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.
  5. The applicant has written permission from the City if the proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts.

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6. The use in which the proposed temporary use is engaged is listed as a permitted use in the specific commercial or multiple use zoning district.
7. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.50.
8. The proposal does not involve use of a permanent building.
9. The proposal shall not obstruct or occupy permanent required parking spaces unless it can be demonstrated that the permanent required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3 (Excess Parking) of this Code.
10. The site of the proposal has safe vehicle and pedestrian circulation consistent with Section 60.55 (Transportation Facilities) of this Code.
11. The proposal is not located within 500 feet of an established permanent business of a similar nature. The 500 feet shall be measured from the perimeter of the property on which the proposal is located to the perimeter of the property which contains the existing similar use.
12. The site of the proposal has adequate parking facilities to accommodate the anticipated needs consistent with Section 60.30 (Off-Street Parking) of this Code.
13. Temporary Non-Mobile Sales has not occurred more than twice on the same site in the same calendar year.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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- D. Submission Requirements. An application for a Temporary Non-Mobile Sales shall be made by the owner of the proposed temporary use, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Non-Mobile Sales application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Non-Mobile Sales application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose one or more of the following conditions when appropriate:
1. The Temporary Non-Mobile Sales shall obtain a City Business License.
  2. Temporary Non-Mobile Sales involving the sale of food products shall be licensed by the appropriate State and/or local agency.
  3. Temporary Non-Mobile Sales involving the sale of fireworks shall be licensed by the appropriate State and/or local agency.
  4. All Temporary Non-Mobile Sales activities shall be conducted at the particular authorized location.
  5. Signage shall be permitted for Temporary Non-Mobile Sales consistent with Section 60.40.15.12 of this Code.
  6. During operation, the operator of a Temporary Mobile Sales shall maintain a copy of the City approval and present same for inspection upon request by City personnel.

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7. Suitable receptacles for disposal of trash as defined by the City of Beaverton Code 4.08.085, subsection C, must be provided and maintained by the permittee on the site of the Temporary Non-Mobile Sales in sufficient numbers, as determined by the Director, to accommodate all trash generated by the Temporary Non-Mobile Sales use. The permittee shall be responsible for disposal of accumulated trash and for clean-up of trash generated by the Temporary Non-Mobile Sales.
8. The Director may impose conditions necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Non-Mobile Sales on the surrounding property and use.

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 45 days of the date of approval.
- H. Extension of a Decision. Approvals of Temporary Non-Mobile Sales shall not be extended.



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**3. Temporary Structure.**

- A. Threshold. An application for Temporary Structure shall be required when the following threshold applies:
1. The placement of a temporary mobile structure while development is taking place.
  2. Placement of drop-off station for non-profit organizations.
  3. A temporary wireless communication facility inclusive of needed equipment shelters and on-site improvements to facilitate continuity in service during initial construction, repair, maintenance, or replacement of permanent equipment. [ORD 4248; April 2003]
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Structure. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Structure application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Temporary Structure application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.25.
  5. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.

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6. The site of the proposal has adequate parking facilities to accommodate the anticipated needs of the uses on the site consistent with Section 60.30 (Off-Street Parking) of this Code.
7. The proposal is for an approved development located within the City.
8. The proposal would locate a temporary mobile structure within the boundaries of the subdivision where land is for sale or under development.
9. A construction permit for the permanent development has been issued and has not expired.
10. The Temporary Structure shall be located on the same lot or a lot abutting the activity. If the abutting lot is separately owned, written authorization from the owner must be provided.
11. The Temporary Structure shall not block fire hydrants, storm drains, manholes, catch basins, or other similar infrastructure improvements.
12. No connection of the temporary structure to any water, sanitary or storm sewer utility shall be allowed unless the system(s) are deemed substantially complete by the City.
13. Occupancy for temporary sales trailers or sales offices shall not be allowed until substantial completion of the sanitary sewers is obtained, or portable toilets are available.
14. If the proposal is a drop-off station, the proposal is located in a commercial, multiple use, or industrial zoning district.
15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

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- D. Submission Requirements. An application for a Temporary Structure shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Structure application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Structure application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:
1. The occupant of the Temporary Structure shall obtain a City Business License.
  2. Signage shall be permitted for a Temporary Structure consistent with Section 60.40.15.12 of this Code.
  3. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
  4. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the temporary use on the surrounding property and use.
  5. The Director may impose conditions as are necessary which establish a duration of time that the Temporary Structure may be located on the subject site.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.
- H. Extension of a Decision. Refer to Section 50.93.



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**4. Temporary Real Estate Office.**

- A. Threshold. An application for Temporary Real Estate Office shall be required when the following threshold applies:
1. The use of a dwelling as a Temporary Real Estate Office during the development, lease or sale of lots or structures in a residential subdivision, condominium project, or residential Planned Unit Development.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Real Estate Office. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Real Estate Office application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Temporary Real Estate Office application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The applicant, if different from the property owner, has written permission from the property owner to utilize the property for a Temporary Real Estate Office.
  5. The Temporary Real Estate Office is located within the boundaries of the residential development.
  6. The property used for the Temporary Real Estate Office shall not be permanently improved for that purpose.

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7. The property used for the Temporary Real Estate Office shall be within close proximity to an arterial or collector or as acceptable to the City Engineer.
8. All streets shall be curbed and paved (with a minimum first lift of asphalt or cement concrete) to the property used for the Temporary Real Estate Office.
9. No connection of the Temporary Real Estate Office to any water, sanitary or storm sewer utility shall be allowed unless the system(s) are deemed substantially complete
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Temporary Real Estate Office shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Real Estate Office application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Real Estate Office application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The Temporary Real Estate Office shall obtain a City Business License.
2. All Temporary Real Estate Office activities shall be conducted at the particular location authorized.
3. Signage shall be permitted for a Temporary Real Estate Office consistent with Section 60.40.15.12 of this Code.

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4. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
5. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Real Estate Office on the surrounding property and use.
6. The Director may impose conditions as are necessary which establish a duration of time that the Temporary Real Estate Office may be located on the subject site.

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.
- H. Extension of a Decision. Refer to Section 50.93.





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**5. Non-Profit Event.**

- A. Threshold. An application for Non-Profit Event shall be required when the following threshold applies:
1. The temporary use of land in order to conduct an event 15 days or more in one (1) calendar year.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Non-Profit Event. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Non-Profit Event application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Non-Profit Event application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. The proposal is operated by a non-profit organization registered with the State of Oregon pursuant to Chapter 65 of the Oregon Revised Statutes or is operated by a public agency.
  5. The proposal is located entirely within public or private property within a commercial, industrial, or multiple use zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.

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6. The proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts and the applicant has written permission from the City.
7. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.
8. The proposal does not involve use of a permanent building.
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Non-Profit Event shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Non-Profit Event application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Non-Profit Event application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. Signage shall be permitted consistent with Section 60.40.15.12 of this Code.
2. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.

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3. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the temporary use on the surrounding property and use.
4. The Director may impose conditions as are necessary which establish hours of operation.
5. The Director may impose conditions as are necessary to ensure that noise levels meet the standards established by the State of Oregon Department of Environmental Quality

F. Appeal of a Decision. Refer to Section 50.60.

G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.

H. Extension of a Decision. Refer to Section 50.93.

